



**PATENT APPLICATION**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	François GIRARD et al.	)	Group Art Unit 3728
Appln. No.	:	09/994,783	)	Examiner Anthony Stashick
Filed	:	November 28, 2001	)	Confirmation No. 8368
For	:	SOLE FOR BOOT, IN PARTICULAR A SPORTS BOOT, A METHOD OF MANUFACTURING SAME, AND A BOOT HAVING SUCH A SOLE	)	

**RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
JUN 19 2003

Sir:

TECHNOLOGY CENTER R3700

**ELECTION**

In reply to the Examiner's restriction requirement dated May 14, 2003, the period for reply set therein extending to Monday, June 16, 2003, Applicants elect, with traverse, the invention identified by the Examiner as Invention I, including claims 1-7, 11, 14-18, 20-24, 31, 34, and 35, "drawn to a sole ..., classified in class 36, subclass 107."

**PRELIMINARY COMMENTS**

Before Applicants' comments in traverse of the restriction, Applicant brings to the Examiner's attention a preliminary amendment that is being filed concurrent with this reply. In the preliminary amendment, Applicants have revised claim 16 (*i.e.*, "... wherein the reinforcement has a sandwich structure having a thickness less than or equal to 3 mm.") to depend from claim 1. In addition, new dependent claim 39 has been added.

Dependent claim 39 is believed to be directed to the elected invention.

In addition, although it would not appear to bear directly on Applicants' reply, claim 33 has not been included within any of the six inventions identified in the restriction requirement. By analogy with the relationship between claim 32 and its parent claim 25, Applicants submit that the Examiner might have intended to have included claim 33 with the invention of its parent claim 30.

Lastly, Applicants note that, according to the Manual of Patent Examining Procedure, Section 821.04, entitled "Rejoinder," if "product claim 1" (*i.e.*, an independent claim of the elected invention) were to become allowed, then claims depending upon such product claims that are directed to the method of making and the method of using the product would also be allowed. That is, claims directed to non-elected methods would be "rejoined" (using the terminology of the MPEP) with the elected invention of the product.

#### TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement.

Applicants kindly request that the Examiner reconsider his restriction requirement at least with regard to the restriction of Inventions II and III from elected Invention I. Thus, Applicants request that claims 8-13 and 19 be examined with the claims of the elected invention.

Invention II is represented only by four dependent claims (*viz.*, claims 8-10 and 19), which provide for the attachment of the sole of claim 1 (*i.e.*, of Invention I) to a "sports apparatus" or a "gliding support" (such as a ski).

Applicants submit that the Examiner's search, if claims 8-10 and 19 were to be included with the examination of the claims of the elected invention, would likely be the same as, or would significantly overlap with, the search that would be conducted if claims 8-10 and 19 were to be excluded. Therefore, Applicants respectfully submit that the burden on the Office (*i.e.*, the Examiner) would not be significantly different.

Similarly, Invention III is represented by only two dependent claims (*viz.*, claims 12 and 13), which provide for molding at least one of the half-soles (*i.e.*, one of the front or rear half-soles) on the reinforcement of claim 1 (*i.e.*, of Invention I).

The Examiner's search, if claims 12 and 13 were to be included with the examination of the claims of the elected invention, would likely be the same as, or would significantly overlap with, the search that would be conducted if claims 12 and 13 were to be excluded. Therefore, Applicants respectfully submit that the burden on the Office (*i.e.*, the Examiner) would not be significantly different.

In addition, claims 8-10 and 19 (Invention (I) and claims 12 and 13 (Invention III) all depend from claim 1. They merely contain additional limitations to better define the *same* invention of claim 1. For example, regarding the claims of Inventions I and II, the particular invention of claim 1 (*i.e.*, the reinforcing member associated with a two-part sole) is particularly useful in a sports shoe to be connected to a sports apparatus, because that type of shoe benefits from a greater torsional stiffness than a conventional shoe.

Further, claims 8-13 and 19 already *include* the limitations of parent claim 1 by virtue of their dependent relationship with claim 1. Thus, the restriction between Inventions I and II and the restriction between Inventions I and III are the AB<sub>sp</sub>/B<sub>sp</sub> variety, where B<sub>sp</sub> is represented by claim 1.

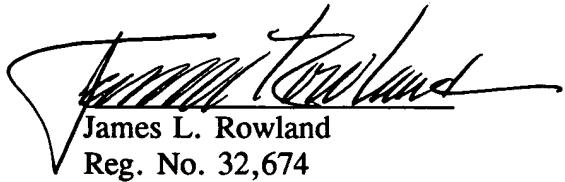
No fee is believed necessary for entry of this reply. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and/or complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete,

Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increments of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to Applicants' undersigned attorney at the telephone number given below.

Respectfully submitted,  
François GIRARD et al.



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June 16, 2003  
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